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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,901	10/16/2000	David Elberbaum	ELBX 17.815	1770
26304	7590	12/17/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			DUGGINS, ALICIA M	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 12/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,901

Applicant(s)

ELBERBAUM, DAVID

Examiner

Alicia M Duggins

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7,11,13-16 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Morito (US6782190).

Regarding claims 1-2,11 and 13, Morito shows a method for authenticating the recording of digital video signals onto an unrecorded disk comprising the steps of:

Feeding a fresh disk through a code imprinter is shown in fig.2 where the medium generator generates a blank disk and the medium identifier printer (7) imprints the code onto the blank disk (col.4 ll. 20-45)

Generation of an exclusive code shown as disk identifier Sd is shown in fig.7 at step s11 the recording module (11) reads data from the archive (digital video signals) and records that data and the code (disk identifier Sd) on to the data area (3) of disk (1) which when combined forms the coded signal Sp. In fig.5 the reading device (14) in player (13) reads both the code and coded signal and they are then compared to determine the authenticity of the disk (col.5 ll. 18-27, col.5 l. 55- col.6 l.14)

Regarding claims 3-4 Morito shows a reading device (14) in fig. 5 which reads the code of the disk and the generation of coded signals has been previously discussed with regard to claim 1 (col.5 ll.19-28) and the feeding of the coded disk takes place in fig. 10 where the coded disk (35) is fed through the reading device (30).

Regarding claims 5-6 and 14-15, Morito shows that the blank disk can be a non-erasable disk shown as a DVD-R (col.4 ll.5-62) or a re-recordable disk shown as a DVD-RAM (col.5 ll.63-65)

Regarding claims 7,16 and 19-20, Morito shows that the imprinter can be a laser to imprint the code on a disk which would mean the stamped side would need to have a soft layer to allow for the imprinting of the code(col.4 ll.37-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morito (US6782190) in view of Miller et al. (US6222800).

Regarding claims 8-9 and 17-18, although Morito discusses the imprinting of a code onto a fresh disk, he does not discuss imprinting the code onto a label and placing the label onto the disk as is discussed by Miller (col.1 ll.1-15). It would have been obvious to one of ordinary skill in the art to place the code onto a label onto a disk to ensure the disk is not misidentified (col.2 ll.5-20)

Regarding claims 10 and 12, Miller shows a disk feeder apparatus (10) shown in fig.1 comprising a controller shown as a controller card (28)

A disk recorder means comprising a disk driver (20) which also records, a pull slider, up and down arm and slider table are all comprised in the auto retrieve mechanism (26),

the sliding table shown as the extended tray (22) and pull slider shown as the pulley belt (78) are within the shuttle (68) shown in fig.1 where it is shown that the shuttle moves or slides allowing for the transport of the disk. The auto load separator mechanism (24) controls the ejection of the imprinted disk to the collection department (col.6 ll.1-46)

Regarding claims 21 and 22-23 the the pull slider and the sliding table are combined into one unit called the shuttle (68) shown in fig.1, where it is shown that the shuttle moves or slides allowing for the transport of the disk col.6 ll.20-36)

Imprinting means are discussed in fig.12 is disclosed as the disk printer transport system (300b) (col.9 ll.1-55)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703)305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD


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